

REMARKS

Claims 1-16 are pending in the application. All of these claims were rejected as being anticipated by Niederdrank, International Patent Publication No. WO 02/28143.

5 Applicants have provided arguments below for distinguishing the present application from the art cited against it. Applicants refer to U.S. Patent No. 7,020,296, which is the U.S. equivalent of the international patent publication cited by the Examiner.

10 Applicants have further added claims 17–20 for consideration by the Examiner. Support for claims 17 and 19 can be found in paragraph [0019] of the Specification, noting that the phrase “transfer function” is a more accurate description than the phrase “transfer characteristic curves” used in the Specification. Support for claims 18 and 20 can be found in the Specification in paragraphs [0027] and [0030]. Niederdränk does not teach or suggest obtaining a
15 transfer function of a first hearing device in order to adjust the transfer function or setting the parameters of the second hearing device. Niederdränk rather suggests analyzing the acoustic field by a first hearing device and transmitting the results to a second hearing device.

Applicants’ use of reference characters below is for illustrative purposes
20 only and is not intended to be limiting in nature unless explicitly indicated.

35 U.S.C. §102(b), CLAIMS 1–16 ANTICIPATION BY NIEDERDRÄNK

1. *Niederdränk does not teach or suggest the step or device of automatically analyzing a first hearing aid device, but rather teaches analyzing an acoustic field in which the hearing device is situated.*

5 In the OA, on p. 2, the Examiner states that Niederdränk teaches automatically analyzing a first hearing device that produces an analysis result. Applicants respectfully disagree with this characterization.

Niederdränk deals with the issue of ensuring that two hearing aid devices are always operated in the same hearing program (Abstract). This improves the
10 automatic adaptation to different hearing situations. (1:61–64). To achieve this, the acoustic field characteristics within which hearing aid 1 sits are identified and analyzed, and then stored in a memory of hearing aid 1 (4:36–47). Niederdränk states:

15 The illustrated hearing aid 1 also has a signal analysis unit 14 in which *characteristic parameters [o]f the acoustic field in which the hearing aid 1 is situated* are identified from the input[] signal.... The acoustic field characteristics that are thus identified are deposited in
20 a memory area 15A of a memory 15 of the hearing aid 1. [Emphasis added]

These characteristics are then subsequently transmitted from the first hearing aid 1 to the second hearing aid 2. It states, at 4:51–54:

25 By means of [its transmission and reception unit 16], and the signal path 18, the acoustic field characteristics identified in the hearing aid 1 are transmitted to the hearing aid 2...

So it is clear from the teaching of Niederdränk that the analysis is not performed on the first hearing aid device itself, but rather on the acoustic field in

which the hearing aid sits. This is a substantive difference between the present invention as claimed in independent claims 1 and 9.

In the present invention, it is the first hearing aid device itself that is analyzed, not a situation in which the hearing aid is situated. This is a significant
5 difference. By analyzing the hearing aid device itself, as currently claimed, an old hearing aid can be replaced by a new hearing aid, and the properties of the old hearing aid can be transferred to the new hearing aid without having to go through an extensive readjustment procedure.

This is not possible in the invention disclosed by Niederdränk, since it is
10 not the attributes of the hearing aid that are being transferred, but rather information based on an analysis of the acoustic field in which the hearing aid sits. The present invention does not concern itself with the acoustic field in which the hearing aid sits, and the benefits of the present invention can be realized regardless of the acoustic field. These arguments apply to both independent
15 claims 1 and 9, and to all remaining claims that depend from them.

For these reasons, the Applicants assert that the claim language clearly distinguishes over the prior art, and respectfully request that the Examiner withdraw the §102 rejection from the present application.

CONCLUSION

20 Inasmuch as each of the objections have been overcome by the amendments, and all of the Examiner's suggestions and requirements have been satisfied, it is respectfully requested that the present application be reconsidered,

the rejections be withdrawn and that a timely Notice of Allowance be issued in this case.

Any shortages of fees due may be charged to, and any overpayments may be credited to, deposit account no. 50-1519.

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Respectfully submitted,

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/Mark Bergner/ (Reg. No. 45,877)

Mark Bergner
SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 Sears Tower
Chicago, Illinois 60606-6473
(312) 258-5779
Attorney for Applicants
Customer Number 26574

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